



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 13, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

COMMISSION MEMBERS PRESENT: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. Commissioner Erin Wells was excused.

CITY STAFF PRESENT: Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; City Recorder, Fionnuala Kofoed, and Elizabeth Fewkes, Recording Secretary.

Commissioner Wright called the meeting to order at 5:33 p.m.

The meeting was recessed from 5:34 p.m. to 5:35 p.m. due to technical difficulties.

1. Discussion Items

1.A. DISCUSSION – Community District Node Overlay

Planning Manager Pete Kane presented the item. The General Plan includes a topic regarding community nodes. These nodes, identified in the Framework Map, were created to help achieve the four key initiatives of the General Plan.

The nodes are described as:

- City Center Node: A “downtown” main street style of commercial and office uses. A mixture of uses in a horizontal or vertical format (e.g. residential or office above retail; residential above office).
- Community Node: A community business district style of commercial and office uses serving multiple surrounding neighborhoods. A mixture of uses in a horizontal or vertical format (e.g. residential or office above retail; residential above office).
- Neighborhood Node: A small collection of retail and service uses focused on a corner or single block, serving the immediate surrounding neighborhood. A mixture of uses in a horizontal format (e.g. different uses adjacent to each other).

These nodes can serve to relieve development pressure by identified targeted, limited areas of dense development. This code also creates the framework for transit-oriented development (TOD) zoning for the City when transit becomes a reality. The criteria for designation must utilize the General Plan’s Framework Map and must be centered on an existing or future major intersection or mass transit stop. Not all neighborhood character areas (NCAs) may have a node, an NCA may have multiple of a node type, and not all node types may be within an NCA.

Mr. Kane said that during a City Council meeting, the Council directed staff to explore the creation of TOD zoning. The creation of the nodes follows the direction of the General Plan to

concentrate density to allow lower density in other areas in the City and permits additional uses such as mixed-use vertical product which is currently not identified in Municipal Code. Mixed-use creates a customer base onsite which increases the viability of retail, maximizes land use potential, and reduces transportation connectivity and infrastructure impact needed for separate housing units. No developers have requested this particular zoning; however, preparing the standards ensures public infrastructure construction is utilized to the best of its intent by reducing sprawl and is a proactive rather than reactionary approach.

Commissioner Everett noted the proposed standards stipulate a multifamily minimum of 50 units in the City Center Node, 20 to 40 units in the Community Node, and 10 to 30 units in the Neighborhood Node. The current maximums multifamily density permitted in Municipal Code standards is 6 units per building in the MF1 zone and 12 units per building in the MF2 zone.

Mr. Kane explained the purpose of an overlay is to modify the standards of the underlying zoning. The multifamily unit count standards will determine the character and scale desired by the City for the downtown area. The proposal allows discussion to determine the standards deemed desirable and appropriate for Eagle Mountain. The City may proactively rezone specific areas for the nodes or allow developers to request the overlay during rezoning. To be approved, applications must meet the standards and allowances for the overlay such as the major intersections and traffic stop location requirement, and be appropriate for the General Plan designation for that portion of the City.

Commissioner Wright stated the proposed standards have few additional permitted uses other than a mixed-use component and higher density multifamily units. He expressed concern in introducing the allowance for mixed-uses and the scale and density of the residential components in the impacted areas of the City. He thinks it is premature for Eagle Mountain to be preparing for mixed-use development at this point of the City's development. He is open to discussing the standards but believes the timing for implementation is not currently appropriate.

Commissioner Everett recognized the staff time and effort in preparing the standards and noted the proposal addresses sections of the General Plan. Although he approves of the concept of consolidating density in designated node areas in the City, he believes that TOD is beyond the current needs of the City and desires to increase the level of service on the current transportation system capacity prior to contemplating TOD zoning. His concerns are centered on the permitted density and maximum height allowance increases in comparison to the current limitations. As the transit and road infrastructure develop and the likelihood of TOD requests increases, it is appropriate and desirable to have prepared standards; however, as the application stands, he is unlikely to vote to recommend approval of the overlay. His vision for City nodes during the General Plan creation was to locate the nodes at transportation corridors with sufficient commercial to support residents seeking a non-single-family home and to identify where the developments are appropriate as the City builds out. He thinks that some of the TOD developments in other cities are inappropriate for Eagle Mountain. He noted some cities only allow TOD within a third of a mile of a major transit stop.

Commissioner Wright cited a news article by Jennifer Weaver, KUTV, regarding an online survey of housing preferences of high school students conducted by the Envision Utah Youth

Council: “Among the 2,500 student respondents, 90% plan on living in a house and 80% want that house to be in the suburbs. But even if they want this suburban family lifestyle, will it be available? And will they be able to afford it?

- Even high school students expect their housing needs to change — most expect to at least start their careers in apartments or townhomes in more urban environments.
- But, contrary to speculation about the rising generation, the vast majority expect to live in a traditional suburban single-family home by the time they’re middle-aged.
- High school students are already looking at safety and affordability as the most important factors in choosing where to live.”

He expressed concern regarding only considering and acting upon one side of the issue and advocated against driving a narrative that is not accurate to all individuals.

Commissioner Pengra arrived at 6:07 p.m.

Mr. Kane stated the Envision Utah Youth Council survey points to the need for nodal zoning due to the desire to protect single-family areas by removing pressure and concentrating density in certain areas to reduce City pressure to allow higher density housing in other areas in the City designated for single-family properties.

Commissioner Bergener stated his support of the concept; however, he is concerned regarding requirements for the Commission to recommend approval of the application of the overlay.

Mr. Kane clarified that the findings for rezoning a property are outlined in EMMC 17.90 and include compliance with the General Plan, compatibility determination, City services, traffic generation, and property values. The proposed chapter also stipulates a finding requirement for the node to be located at an existing or future transportation intersections or mass transit stops. The City would be required to review applications for the overlay but is not required to approve the application should they fail to meet the required findings.

Commissioner Bergener expressed his support of determining standards for an overlay as a method to plan for the future while retaining the flexibility to prevent undesirable development in inappropriate areas.

Commissioner Wright requested for the Commission to research and consider the proposal to prepare for further discussion at a future meeting.

1.B. DISCUSSION – Lot Size and Zoning Transition Tables

Mr. Kane presented the item. In 2020, the City adopted the zoning transition table establishing appropriate zone adjacencies per individual land use designations. The City Council approved the zoning transition table; however, the Council did not approve the lot size transition table amendments and requested that the Planning Commission further review the lot size transitions. During the Planning Commission hearing on November 24, 2020, the Commission voted to recommend approval of a Municipal Code amendment to remove the lot size transitioning section. The City Council expressed concern regarding the number of zoning transition steps on the table and requested for the Commission to consider modification of the zoning transition

table. Previous Commission discussions included the possibility of reintroducing the lot size transition table.

Mr. Kane indicated that staff member Elizabeth Fewkes created the table layout presented in the meeting to better visualize zone adjacencies and compatibility and the allowable up and down zoning steps. He explained the zones in red are potential amendments to the table to increase the number of permitted zoning adjacencies and reduce the transition step for some of the zones. The amendment includes typographical corrections to the Municipal Code chapter.

Commissioner Pengra supported increased leniency in the transition table and the condensing of the transition table. He did not perceive any concerns regarding the recommended amendments.

Commissioner Everett agreed with allowing more flexibility in adjacencies by allowing larger lots to be developed next to lower acreages. He feels the presented transitions are an improvement to the current standards.

Mr. Kane clarified that the transition standards must allow the inverse upsizing and downsizing of lot size for capable adjacency transitioning independent of the sequence and timing of development.

Discussion ensued clarifying the inverse nature of zoning adjacencies conflicts and compatibility independent of development timing such as permitting a new R1 development next to an existing MF1 development while prohibiting a new MF1 development next to an existing R1 development as both scenarios result in an R1 and MF1 zone post-construction adjacency.

Commissioner Bergener stated his approval of the table as presented.

Commissioner Wright said he feels it would be appropriate to reimplement the lot size transition table should the Commission determine to recommend approval of the proposed transition table amendments. If the Commission desires to exclude the lot size transition table, he promoted retaining the currently approved zone transitions and compatible residential zone adjacencies.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wright called the meeting to order at 6:34 p.m.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. March 23, 2021, Planning Commission Minutes

Commissioner Wright requested a correction to the minutes amending the references to commercial property “width” on page 13, paragraphs 3 and 4 to “depth” as grammatically appropriate.

MOTION: *Commissioner Wright moved to approve the March 23, 2021 minutes as amended. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

5. Status Report

Senior Planner Tayler Jensen reviewed the planning items discussed at the April 6, 2021 City Council meeting.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Overland Village Two Phase A (Preliminary Plat & Master Site Plan)

Mr. Kane presented the item. This is a preliminary plat and master site plan request for Phase A of Overland Village Two and is subject to the Overland Master Development Agreement (MDA) and consists of 375 total lots/units (222 single-family lots and 153 townhomes). The Village Concept Plan for Village Two was approved by the City Council on November 17, 2020. The concept plan is conceptual and subject to minor changes that can be proposed through the preliminary plat and/or site plan process. The lot and unit layouts comply with the village concept plan with some minor modifications due to Council conditions of approval and staff review. The City’s development review committee, along with the United Fire Authority Fire Marshal, have reviewed the plans and the applicant has made several changes in order to comply with review feedback.

The roads, including mid-block pedestrian trails, comply with EMMC 16.30.090. The project includes left-turn lanes and right-turn deceleration lanes at each entrance on Pony Express Parkway. A road connection has been added between lots 298 and 299 to connect to Oquirrh Mountain Ranch to the north. This phase connects to Airport Road across the street from the Village One intersection. Several roads are designed with a 63-foot right-of-way and include a 12-foot asphalt trail and 8-foot parkstrip on one side and a 5-foot parkstrip and 5-foot sidewalk on the other side.

EMMC 17.55.120(C) requires that townhomes have two, non-tandem stalls per dwelling unit plus one guest parking space per three units. The south portion, units 1001-1090, includes 33 off-street parking spaces along with two-car garages and driveways. The north portion consists of 65 units and includes 22 off-street parking spaces along with two-car garages and driveways. Both portions of the project comply with off-street parking requirements.

The Overland MDA vested development rights to the project with relations to the City’s laws and ordinances in effect at the time the MDA was executed. The code amendments the City has made in the last couple of years, such as to lot widths and setbacks, are not applicable. A

majority of the lots comply with the City's current lot width standards; some of the smaller lots have lot frontages of 55 feet. The previous minimum was 55 feet; the current minimum is 58 feet. The lot frontages comply with the Municipal Code requirements at the time of MDA signing. The typical building setbacks are also in compliance with the standards at the time of the MDA signing including 22-foot front; 20-foot rear; and 5-foot side, 10-foot garage side, and 15-foot street side for a corner lot.

The townhomes must comply with the architectural and design standards of EMMC 17.72 including garage location per EMMC 17.72.030(C). The townhomes are all designed with rear-access garages. A majority of the townhomes are three or four units to a building, with a couple that contain five units. The designs comply by providing a minimum of two materials on all faces per EMMC 17.72.040(F)(1), the front elevations consist of 39% siding, 26% stucco, 16% brick, and 19% openings; the side elevations consist of 39% siding, 32-33% stucco, 18-20% brick, and 9% openings; and the rear elevations consist of 36% siding, 14% stucco, 17% brick, and 34% openings.

Per EMMC 17.72.040(G), buildings are not restricted to desert landscape colors and staff recommends a wide color palette. Each building includes a mix of colors and there are several color schemes proposed. Building Articulation (EMMC 17.72.040(D)) requires vertical and horizontal articulations. The building footprints and elevations demonstrate compliance. Architectural Detailing (EMMC 17.72.040(E)(2)) requirements for townhomes include porches, popouts, decorative trim and moldings, columns, decorative gables, window grids, and decorative windows. The plans are in compliance. Per Lighting (EMMC 17.72.040(I)), the lighting will need to be shielded and directed downward. The applicant should develop plans/details for cluster mailbox to reflect the design of buildings as required per Mailbox Structure (EMMC 17.72.040(J)). The plans should be updated to indicate mailbox locations and include pullouts or temporary parking areas.

Consistent privacy fencing is required along Pony Express Parkway and Airport Road. Staff expects/recommends that fencing be consistent with the masonry wall and fencing installed in Overland Village One. Due to the level of detail provided in the master site plan for the townhomes, we recommend that individual site plans are unnecessary in this case and have included a recommended condition of approval to that effect.

Twelve-foot-wide asphalt trails have been incorporated into the plans linking open space areas, the trail along Pony Express Parkway, Oquirrh Mountain Ranch to the north through Parcel H, and along some of the main roads. Small entry monuments, anticipated to be similar to the small monument at Overland Village One, are proposed at each entrance along Pony Express Parkway. All open space areas will be owned and maintained by the homeowner's association. To reduce water use and ongoing maintenance, the plans call for enhanced native landscaping such as grasses, wildflowers, trees, and shrubs. Areas directly around the townhomes will be improved with additional plantings and small areas of sod. The MDA requires a medium park in Village Two; this park will be in a later phase of this village.

Staff recommends that the Eagle Mountain Planning Commission recommend approval of the Overland Village Two Phase A Preliminary Plat and Master Site Plan to the City Council with the following conditions:

1. Individual site plans are not required for the townhomes in this plat;
2. The applicant shall submit plans for mailbox locations and design of mailbox structures, including pullouts or temporary parking areas to improve traffic flow; and
3. Privacy fencing, in compliance with EMMC 17.60.110, shall be installed along Pony Express Parkway and Airport Road.

And any conditions the Planning Commission deems appropriate based on findings of facts.

Should the Commission feel the applicant needs to make changes to the plan in order to comply with Municipal Code requirements, and the necessary changes are more extensive than can be placed in conditions, the Commission can motion to table the application to the next meeting (or a future meeting) with specific directions given to the applicant.

Applicant Representative Byron Prince with Ivory Homes stated that under 50 lots are below the new frontage requirements. Village Two is an integrated plan due to the incorporation of the open space and trail system in the design with the rest of the development which makes it difficult to alter the plans without disrupting the overall vision and design for the community. They are offering a handful of new housing products they feel will be desirable in the Eagle Mountain market. Every townhome has a two-car garage and full driveway in addition to the required guest parking. He is a proponent of having visitor parking available at the unit, due to the Utah climate, rather than in clusters. The 3.25-acre City park is excluded from this preliminary plat; however, the trail system and open space corridor in this plat will connect to the park during a later phase. He verified that the open space corridor along O'Neal Peak connects to the park even though the continuation is not indicated on the proposed overall site plan for this phase. In Village One, they platted a trail connection to the Middle School. In Village Two, Parcel H is located at the northeastern portion of the Overland development to connect to the Oquirrh Mountain Ranch development to the north. The trail also connects to the east to the Pony Express trail and to the west to connect to the rest of Village Two. The townhomes front on the open space corridor that connects to the elementary school site. The rendering only includes the 12-foot, main trail and the project includes other 8-foot trails throughout the development. As in Village One, all the trails are paved with asphalt. The areas around the public right-of-way and the pad and the areas immediately around the buildings will be improved open space with Kentucky bluegrass blend topsoil sod.

Commissioner Wright commended the applicant for providing a development implementing water conservation considerations and design.

Mr. Prince said they will continue the split-face, block wall used in Village One along Pony Express Parkway and Airport Road. They initially proposed excluding fencing in the north corner of the project near the monument but are willing to install the fencing the full length of the development as requested by the City Council during a previous review of the project.

Commissioner Pengra inquired regarding the ingress and egress access to the elementary school due to concerns that the access off Pony Express Parkway would divert traffic through the neighborhoods.

Mr. Prince stated that the connection points to Pony Express Parkway have been defined and will likely be installed during the first phase of construction to provide access to the development. Depending on the timing of Airport Road installation, a temporary access road may need to be provided. The two accesses onto Pony Express Parkway and the single access onto Airport Road are the only connections to major roadways available to the development.

Discussion ensued regarding road access limitations, the timing of Airport Road construction, and possible options to reduce traffic flow through the neighborhoods due to elementary school traffic.

Mr. Prince stated that Ivory Homes has a reimbursement agreement in place as a part of the purchase of the land by the District; however, Alpine School District has not determined the timing of the construction of the future elementary school designated as Parcel C or provided a site plan in order for the applicant to design their traffic flow accordingly. The District requested the location to be provided access to Pony Express Parkway and had indicated a three-to-five-year time period. It has been three years since the discussion.

Commissioner Wright opened the public hearing at 7:23 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Pengra said he is pleased with the product offered by Ivory Homes in the Overland project. He acknowledged that the terms of the MDA were negotiated over several years. He prefers the product in this development, created in accordance with previous Municipal Code standards, to other products being developed under the current standards. The project layout provides ease of traffic flow and snowplow access.

Commissioner Everett said he is likewise pleased with how the project has developed. He would prefer if the frontage and setbacks were in accordance with current standards; however, he recognizes the applicant is in compliance with the MDA. He stated appreciation for the applicant providing rear-loaded townhome products and the product serves as an example of desirable rear-loaded garage design and elevations for other developers.

Commissioner Bergener expressed appreciation for the thoroughness of the information provided, including the native landscape images, and the conservation efforts in providing an open and natural development. He expressed his approval of the product.

Commissioner Wright concurred with the thoughts expressed by the Commission.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the preliminary plat and master site plan for Overland Village Two Phase A with the following conditions:*

- 1. Individual site plans are not required for the townhomes in this plat;**
- 2. The applicant shall submit plans for mailbox locations, including pullouts or temporary parking areas to improve traffic flow;**
- 3. Privacy fencing, in compliance with EMMC 17.60.110, shall be installed along Pony Express Parkway and Airport Road; and**
- 4. Lighting shall comply with the dark sky ordinance.**

Commissioner Wright requested for the motion to include conditions requiring compliance with the dark sky ordinance and installation of the masonry wall.

Commissioner Pengra clarified he intentionally excluded the requirement for the design of the mailbox structure to be in keeping with the architecture of the development due to the variance in design in the project and his personal belief that standard mailbox aesthetics are sufficient.

Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.

The Commission also noted that the applicant stated they plan to continue the masonry wall from Village One with this portion along the east and south borders of the development.

6.B. PUBLIC HEARING – EMMC 17.25 Residential Zones Code Amendment

Mr. Kane presented the item. Recent development project proposals have brought to light some potential revisions to EMMC 17.25 Residential Zones. EMMC 17.25 establishes a number of residential districts that are primarily either single-family or multifamily. The MF1 zone allows for “twin homes, duplexes, triplexes, and townhomes with no more than six units per building,” as well as “footprint” single-family dwellings. This amendment recommends the removal of single-family dwellings as a permitted use in the MF1 zone, resulting in the RC zone becoming the densest single-family residential district allowing a minimum lot size of 4,500 square feet and an average lot size of 6,000 square feet.

EMMC 17.25 also establishes development standards for all the residential districts including minimum lot size, minimum lot frontage, maximum building heights, and setbacks. Just over half of the single-family zoning districts include both a minimum and average lot size. This amendment recommends adding a minimum lot size of three-quarter acres for the RD2 zone.

The amendment removes “for ‘footprint’ single-family homes (not on fee simple lots; sometimes defined as patio homes)” from EMMC 17.25.020(E)(2), single-family dwellings as a permitted use in the MF1 column on the 17.25.030 land use table, and single-family detached from the Type of Housing row and MF1 column on the 17.25.040 residential development standards table.

The amendment adds “and an average lot size of three-quarter-acre (32,670 square feet) is required” to EMMC 17.25.020(B)(2) and “3/4 Acre (32,670 sq ft)” to the RD2 column of the Minimum Average Lot Size row on the 17.25.040 residential development standards table. The

amendment acknowledges that the recommendations remove a table footnote resulting in a numbering change to the remaining footnotes.

Commissioner Wright opened the public hearing at 7:37 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wright closed the hearing.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code 17.25 Residential Zones. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

6.C. 2B Investments (Concept Plan)

Planner Jessa Porter presented the item. The concept plan is for a potential rezone for land located west of Wride Memorial Highway at the Fairfield municipal boundary. Although the subject property is located in the Pole Canyon area, it is not a part of, nor subject to, the Pole Canyon Master Development Agreement.

The northern portion of the parcel has a land use designation of Agricultural/Rural Density Two and the southern portion of the parcel has a land use designation of Neighborhood Residential One. The proposed concept plan rezones the northern 15.41 acres to RD2 and the southern 29.72 acres to R1.

Per EMMC 17.25.02, these are appropriate zones for the current land use designations on the property. EMMC 17.60.160 permits the proposed zoning districts to be adjacent. The Transportation Master Plan calls for an east-west collector running through the center of the southern portion of the parcel. This concept plan located the roadway along the southern property line. The applicant anticipates approximately 28 lots within the RD2 portion of the parcel and approximately 100 lots within the R1 zone. Both densities would be compatible with their respective land use designations. The RD2 zone requires 500 square feet of improved open space and R1 requires 750 square feet per residential lot.

The applicant is seeking feedback for the proposed rezoning of the property.

Applicant representative Lee Brown said he is the landowner but is not a developer. He commended staff for their assistance. He desires to rezone the property to make it more desirable in order to sell the land for development.

Commissioner Wright thanked the applicant for his candor regarding his plans.

Commissioner Pengra said although he has no concerns with the rezone request, he is concerned regarding what happens with the property once the zoning is approved. He suggested for the applicant to discuss the property with a developer to determine how the land would develop. He expressed concern regarding sewer line locations and connection to existing infrastructure.

Mr. Brown verified that he had not secured easements for the sewer and water lines. He noted possible utility easement areas and said he would need to work with the Pole Canyon developers and the Smith family regarding utility connections.

Commissioner Wright said that a rezone request that adheres to the General Plan is likely to receive approval. However, he agreed with Commissioner Pengra that consulting with a developer and consideration and forethought regarding engineering could result in an increase to the value potential of the property.

Mr. Kane clarified that one of the findings for a rezone request approval is to ensure that the proposed use can be accommodated with City services. He explained that the applicant needs to demonstrate the ability to provide the service but does not need to have acquired the easements prior to the rezone approval.

Commissioner Pengra suggested for the applicant to contract with Steve Jackson, a civil engineer that has worked on the Pole Canyon development and is familiar with the area, for assistance.

Discussion ensued clarifying the steps and requirements of the application process for the benefit of the applicant.

6.D. Coyote Run (Concept Plan)

Ms. Porter presented the item. The concept plan is for a proposed 20-lot subdivision of about five acres of land located west of the Overland Trails Phase 3. The property has a land use designation of “Neighborhood Residential One” in the General Plan and is currently zoned Agriculture.

The property is designated as Neighborhood Residential One which is defined as a mix of single-family residential lot sizes, generally ranging from two to four dwelling units per acre and including improved neighborhood open space. The concept plan proposes a density of four units per acre. The applicant has proposed an RC zone for this area; this zone is not compatible with the land use designation. To request the RC zone, the applicant will be required to submit a General Plan Amendment to change the land use designation to Neighborhood Residential Two.

The concept plan shows an S-curve in the road running to the south of the property and ending in a cul-de-sac. Per EMMC 16.30.090(C)(3)(A), cul-de-sacs are not permitted in the RC zone, so, the road through the development should connect at both the north and south property lines for proper connectivity. Property lines on the plan show an approved access point in the middle of the parcel’s north boundary which is owned by ZJT Management. Staff recommends that the applicant work with ZJT Management to acquire access to the property rather than force the proposed layout. There is a proposed park of about 6,300 square feet to the northeast of the development. To meet Municipal Code, the park must be at least 8,000 square feet.

Applicant representative Bob Jones said they redesigned the plan after the development review committee meeting and deepened the lots to increase the average lot size which reduced the open

space along the east side of the project. The remaining open space is for a retention pond. He said ZJT Management is unwilling to grant the applicant use of the Springwater Way access connection on the north of the project. The cul-de-sac is to provide an adequate turn radius for fire apparatus. He said a benefit of the S-curve is to reduce vehicular speed.

Commissioner Everett noted that retention ponds can only be counted as open space if appropriately improved.

Mr. Kane verified that park equipment cannot be installed on a retention area. As the retention area also fails to meet the minimum acreage size requirements, it will not count towards the open space requirement.

Mr. Jones clarified they understood the retention area open space will not count towards the amenities requirement and they intend to pay a fee in lieu.

Commissioner Everett expressed concern regarding the impact of the S-curve on the layout of the neighborhood. Although, he recognized the predicament of the applicant due to the reliance on the neighboring property to obtain an access. However, as the plan does not comply with the General Plan and conflicts with buffering requirements for the neighboring lot sizes, he would not be in favor of recommending approval of the proposal to the City Council.

Mr. Jones said the lots to the south and east fall within the RC zone lot size category of approximately 4,500 square feet and their proposed lot size is larger.

Mr. Kane verified that the lots to the east are .15 acres/6,500 feet and the Harmony development agreement for the property south has an approval for small lots; however, the project has not been platted.

Commissioner Wright noted the lots to the east range from approximately 6,300 square feet to 9,300 square feet to provide context regarding the adjacent developments for their discussion.

Commissioner Pengra noted that the Harmony project has been granted 50-foot frontages which are not allowable under current standards. He would support the rezone and General Plan amendment to permit the development due to the constraints of the property as preferable to the property remaining vacant. The proposed lots will be larger than the product in the adjacent Harmony development. He asked if the applicant could stub a road to the east to force a future connection to Deep Water Drive.

Mr. Kane explained that the area to the east has already been platted which prohibits a future connection to Deep Water Drive.

Mr. Jones stated the fire marshal recommended a temporary access connection to the property to the south rather than the cul-de-sac to accommodate fire apparatus; however, it would require ZJT to allow the access which is unlikely.

Commissioner Pengra said that requiring larger lots would create an incompatible lot size buffer requirement to the future Harmony development and feels it would also be punishing the applicant to do so.

Mr. Jones is a long-term resident and builder in the City and cares about the community. They are the affordable housing leader in the City and believe providing affordable housing will be a benefit to the City. They are trying to devise a plan that works with the limitations they are under.

Commissioner Bergener expressed sympathy for the circumstances of the developer. He could conclude that the cul-de-sac meets the exemption qualifications requirements in EMMC 16.30.090(C)(3)(a) “convincing evidence that a cul-de-sac is necessary to develop the entire parcel.” He suggested for the applicant to bring the plan closer to compliance with the General Plan but recognized the constraints on the project.

Commissioner Wright said hearing the difficulties with the project provides context to the situation. He might be willing to consider the road as proposed, due to the unique circumstances, although he would prefer for the northern connection to align with the designated connection in the center of the northern border of the property and a connection to the south.

Mr. Jones agreed with Commissioner Wright regarding the preferable location of road connections and accesses. He said they construct 70 houses a year, mostly in Eagle Mountain. Their business develops an affordable housing product. He requested to be able to move forward with the development of the land rather than sitting on the investment until the circumstances potentially change in the distant future.

Commissioner Wright stated that he would prefer an R3 rather than an RC product. R3 units would be more compatible with the housing to the east and the west. Although the product might be larger than the units contemplated for the Harmony development, the lack of a road connection to the south lessens rather than exacerbates the impact.

Commissioner Pengra said in personal opinion, independent of code considerations, he believes allowing the development would have a much lower impact on the City than denying the development would have on the developer, especially in consideration of the entitlements given to ZJT Management. Due to the extenuating circumstances, he reiterated he supports RC product in this development.

6.E. 7-Eleven The Ranches (Concept Plan)

Ms. Porter presented the item. The proposed 7-Eleven convenience store would be located on approximately 1.27 acres at the corner of Ranches Parkway and Campus Drive and is included as lot 1 in the recorded plat amendment for the Prairie Gate Business Park that was recommended for approval by the Planning Commission on March 9, 2021. The parcel is part of the expired Ranches MDA and was designated for commercial uses. The General Plan’s Future Land Use Map identifies the property as Community Commercial.

The applicant needs to add vertical and horizontal articulation to the building to comply with EMMC 17.72.040(D). The proposed site design is similar to surrounding convenience stores including the Maverik and Holiday Oil to the northwest. Staff recommends for the applicant to review EMMC 17.720.030 for further requirements. Per EMMC 17.72.030(B), the project is required to provide 21 parking stalls, at least one being an ADA stall. The concept plan proposes 21 stalls, two of which are ADA. The ADA stalls will need to be moved to the north to be closer to the convenience store entrance.

The parcel is located in the expired Ranches MDA and vested rights no longer carry. The City intends to rezone the property to CC (Commercial Community); if the applicant chooses to submit a site plan prior to the City's rezone, they will need to submit a rezone application. Automobile gas/service stations are a special use in the CC zone and would require compliance with EMMC 17.75.062. The concept plan calls for a right-in, right-out egress on Ranches Parkway and entry/exit access on Campus Drive. Cross-access is also included to the east on the northern and southern parts of the parcel. Staff recommends the southern cross-access but feels the northern cross-access is unnecessary and may limit future development of the property to the east.

Applicant representative Ryan Forsyth said he feels the most efficient use and layout for the property in consideration of the location of Maverik gas station to the west across Ranches Parkway. They have relocated the dumpsters and attempted to implement the other recommendations.

Commissioner Bergener said his only concern with the development is increased traffic. The multiple access points should help mitigate traffic issues. He agrees the northeastern cross-access might not be needed.

Mr. Kane clarified that staff recommends using the southeastern and removing the northeastern access due to the belief the northeastern access is unnecessary and concerns with inhibiting the development and building location of the neighboring property.

Commissioner Everett said he does not have any major concerns with the access and layout. Making a left turn off Campus Drive onto Ranches Parkway is precarious; however, he is unaware of a method to reasonably mitigate issues. He suggested leaving an opening at the area indicated for the northeastern access for a potential connection should one be deemed appropriate depending upon the development of the adjacent site. He advised the applicant to ensure there is adequate articulation and movement in the building design while recognizing the design limitations for this type of use.

Mr. Forsyth verified the fuel vent area will be improved with landscaping.

Commissioner Pengra recommended angling the southeastern cross-access easement to increase the design and layout options for future development to the east. He has concerns regarding the egress on Ranches Parkway due to the amount of traffic in the area, but he is unaware of a solution.

Commissioner Wright concurred with Commissioner Pengra's recommendation to adjust the southeastern cross-access and to reshape the island. He disagrees with the staff recommendation to remove the northeastern cross-access. He suggested placing the dumpsters adjacent to the wall, adjusting the pedestrian access accordingly, as he believes the elevational difference is sufficient and the masonry wall would obscure the visibility of the dumpsters and opens the area behind the store improving truck and trailer access to the fuel pumps. The concrete berms on the corners of the building reduce traffic flow on the site. He asked if the berm could be removed.

Mr. Forsyth agreed with Commissioner Wright concerning truck access and said that yellow striping is sometimes used in place of the concrete berms. He said they could adjust the layout and provide better traffic flow behind the building if granted an exception to the 25-foot distance from the property line requirement and be allowed to install a firewall instead.

Mr. Kane said the 25-foot requirement from the property line is a special use standard for gas stations. They could request a variance but would have to prove a hardship to qualify for approval.

Commissioner Pengra expressed concern that the turning radius onto Ranches Parkway is insufficient for trucks resulting in impediments to multiple traffic lanes. He recommended widening the access to provide more space to maneuver.

Mr. Forsyth expressed his willingness to widen the access onto Ranches Parkway, if permitted by the City, to increase the turn radius area available.

7. Discussion Items

None.

8. Next scheduled meeting

The next Planning Commission meeting is April 27, 2021.

9. Adjournment

MOTION: *Commissioner Everett moved to adjourn the meeting at 8:49 p.m. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

The meeting was adjourned at 8:49 p.m.

Approved by the Planning Commission on April 27, 2021.


Steve Mumford (Jul 1, 2021 09:11 MDT)

Steve Mumford, AICP

Assistant City Administrator/Community Development Director

PC Minutes 04.13.2021

Final Audit Report

2021-06-01

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